

**IN THE TENTH JUDICIAL CIRCUIT  
FOR HARDEE, HIGHLANDS, AND  
POLK COUNTY, FLORIDA**

**COUNTY CASE NO.: 2003CC-002296-0000-LK  
APPEAL NO.: 2004AP-000013**

**TONY ARNOLD,**

**Appellant,**

**v.**

**DONALD E. CHRISTIAN and  
DERNA H. CHRISTIAN,**

**Appellees.**

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**OPINION OF THE COURT**

This is an appeal from the county court of Polk County, Judge Steven L. Selph presiding. The Appellant appeals the lower court's award of attorney's fees. This court has jurisdiction. Fla. R. App. P. 9.030(c). The ruling of the county court is affirmed.

On September 16, 2003, Appellees served Appellant with a proposal for settlement in the amount of \$1,000.00. Appellant rejected the proposal and proceeded with the trial, which resulted in a directed verdict in favor of Appellees. On January 26, 2004, Appellees filed a motion to tax costs and attorney's fees based on the final judgment. On March 4, 2004, the trial court granted the motion and awarded \$4,128.00 in fees and costs. Appellant filed a notice of appeal on April 6, 2004.

The sole issue before this Court is whether the lower court erred in awarding the Appellees attorney's fees and costs pursuant to Florida Rule of Civil Procedure 1.1442 and Section 768.79, Florida Statutes (2003). When entitlement to attorney's fees is based upon a pure question of law, the appellate court undertakes a de novo review of the trial court's legal conclusions. Gibbs Const. Co. v. S.L. Page Corp., 755 So.2d 787 (Fla. 2d DCA 2000). Appellant argues that the proposal of settlement was inconsistent and ambiguous, therefore invalidating the proposal. However, after reviewing the proposal, the Court finds that it complies with Rule 1.442 in that it was stated with particularity and indicates whether the settlement includes attorney's fees. Therefore, the trial court did not err in rejecting Appellant's claims and awarding attorney's fees and costs to Appellees.

Accordingly, it is ORDERED and ADJUDGED that the ruling of the county court is AFFIRMED.

DONE and ORDERED October 14, 2004.

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**RONALD HERRING**, Chief Judge